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Atty Docket No: 407T-981102US
Client Ref: 96-026-5

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN D. BAXTER et al.

Application No.: **09/637,132**

Filed: **08/10/2000**

For: **NUCLEAR RECEPTOR LIGANDS
AND LIGAND BINDING DOMAINS**

Examiner: NIKOLAI M. GALITSKY

Art Unit: 1631

#13
Plum Kart
3/9/03

RESPONSE TO COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Communicationj dated November 12, 2002. The following documents are enclosed herewith:

- 1) A petition to extend the period of response for one months.

REMARKS

In the November 12, 2002 Communication, the Examiner noted that Applicants responded to the species election with an Election of Species D, but then alleged that Applicants have not clearly iondicated which claims read on the elected species.

In response, Applicants reiterate **election of species Specie D: Data from Appendix 6: TR- α LBD-122/410 complexes with Triac.**

With respect to the election of species, the Examiner is respectfully reminded that if there is a generic claim, the Examiner is to include "a complete action on the merits of all the claims readable on the elected species" MPEP 809.02(c). In addition, to the extent all species fall within the limitations of a generic claim ultimately determined to be patentable the non-elected species should no longer be deemed to be withdrawn and claims to the additional non-elected species should be considered by the Examiner.

Applicant's further note that the following pending claims are readable on elected species D: Claims 18, 41, 61, and 62.

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If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 337-7871.

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Respectfully submitted,


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